

Case No. F3312(C)

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended to incorporate the limitations of claim 5, which has been cancelled without prejudice. Claim 6 has been rewritten as an independent claim combining the subject matter of claims 6 and claim 1. As such it should be clear that claim 6 is directed to a packaged frozen food which includes a plurality of frozen pasta products, whereas claim 1 is directed to the frozen pasta product itself, packaged or not.

Concerning the claim rejections under 35 USC 103, SirRedhawk does not directly and unambiguously disclose a pasta product in accordance with claim 1. Applicants disagree with the Examiner's assertion that SirRedhawk discloses "a rectangular pasta sheet extending around the remaining layers of the product and sealed along two opposing surfaces" because, by the Examiner's own admission (paragraph bridging pages 3 and 4 of the Office Action), the teaching of SirRedhawk is at best ambiguous on the matter. Thus claim 1 differs from SirRedhawk in reciting a frozen pasta product; a pasta product wherein at least two of the layers are provided by a rectangular pasta sheet extending around the remaining layers and sealed along two opposing surfaces; and furthermore a pasta product weighing less than 75 g.

In view of the differences between claim 1 and SirRedhawk set forth above, the objective technical problem facing the person skilled in the art is the provision of a pasta product which allows for the convenient preparation of a meal of small frozen lasagnes which maintain their integrity during re-heating to provide a plurality of visible layered lasagne portions on serving. It is submitted that the person skilled in the art would not, when faced with the aforementioned problem, modify the product disclosed in SirRedhawk to thereby arrive at an embodiment falling within the ambit of claim 1 because SirRedhawk does not address the aforementioned problem. In fact SirRedhawk addressed the problem of merely providing a traditional lasagne

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with a vegetable filling (see page 1, first two paragraphs). Furthermore, even if all the teachings in SirRedhawk were combined, it is submitted that the skilled person would still not arrive at an embodiment falling within the ambit of claim 1 because SirRedhawk does not disclose a frozen pasta product, a pasta product wherein at least two of the layers are provided by a rectangular pasta sheet extending around the remaining layers and sealed along two opposing surfaces, or a pasta product weighing less than 75 g. Thus, it is submitted that the subject matter of claim 1 would not have been obvious to a person of ordinary skill in the art in view of SirRedhawk.

It is also submitted that the skilled person starting from SirRedhawk and when faced with the aforementioned objective technical problem would not be motivated to combine the teachings of SirRedhawk with those of Nilsson because Nilsson does not address the aforementioned problem. In fact Nilsson teaches away from the invention by addressing the problem of providing small frozen lasagnes which actually may lose their integrity and from one unit of lasagne on re-heating (see column 1, lines 34-50). Furthermore, even if all the teachings in SirRedhawk and Nilsson were combined, the skilled person would still not arrive at an embodiment falling within the ambit of claim 1; the Office has pointed to no teaching in SirRedhawk or Nilsson of a pasta product wherein at least two of the layers are provided by a rectangular pasta sheet extending around the remaining layers and sealed along two opposing surfaces. Thus we submit that the subject matter of claim 1 would not have been obvious to a person of ordinary skill in the art in view of the combination of SirRedhawk and Nilsson.

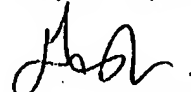
Even if all the teachings in SirRedhawk and "Freezing Lasagne" were combined, the skilled person would not arrive at an embodiment falling within the ambit of claim 1 because neither SirRedhawk nor "Freezing Lasagne" disclose a pasta product wherein at least two of the layers are provided by a rectangular pasta sheet extending around the remaining layers and sealed along two opposing surfaces, or a pasta product weighing less than 75 g. Thus Applicants submit that the subject matter of claim 1 would not have been obvious to a person of ordinary skill in the art in view of the combination of SirRedhawk and "Freezing Lasagne."

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Furthermore, even if all the teachings in SirRedhawk, Nilsson and "Freezing Lasagne" were combined, the skilled person would still not arrive at an embodiment falling within the ambit of claim 1 at least because none of SirRedhawk, Nilsson or "Freezing Lasagne" discloses a pasta product wherein at least two of the layers are provided by a rectangular pasta sheet extending around the remaining layers and sealed along two opposing surfaces. Thus we submit that the subject matter of claim 1 would not have been obvious to a person of ordinary skill in the art in view of the combination of SirRedhawk with Nilsson and "Freezing Lasagne."

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



Gerard J. McGowan, Jr.
Attorney for Applicant(s)
Reg. No. 29,412

GJM/pod
(201) 894-2297